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10/584,440

11/29/2006

Alain Shoutteeten

2003FR302

4132

25255

7590

10/08/2008

CLARIANT CORPORATION  
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EXAMINER

CHANDRAKUMAR, NIZAL S

ART UNIT

PAPER NUMBER

1625

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

Applicants response filed 08/29/2008 is acknowledged.

### Response to Applicants Remarks

#### *Claim Rejections - 35 USC § 102*

Rejection of claim 16 and dependent claim 17 is withdrawn in view of applicant's persuasive argument.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Previously presented rejection of process claims 1-15 and 21 as unpatentable over the cited references is maintained for reasons of record.

Applicant's arguments as well as the affidavit filed 08/29/2008 were fully considered but were not persuasive.

The Examiner acknowledges that the cited references do not teach all the substituents or exact specifics of claimed invention. As repeatedly emphasized in the previous office action, the rejection relates to the sameness of the claimed **processes** disclosed in the cited prior art references. Further the claimed functionalities are not anticipated to interfere with the claimed **processes**. The formation of acid chlorides from acids, Fridel-Crafts acylation and dealkylation of phenolic ethers are all well taught in the text

books of organic chemistry. Routine optimization of reagents and reaction conditions with predictable outcome is within the ability of one of ordinary skill in the art.

Previously presented rejection of process claims 18-20 are withdrawn (see below).

Correction of structure (II) replacing R with R4 is required.

### ***Allowable Subject Matter***

Compounds of claims 16 and 17 are free of prior art. As such, claims 18-20 drawn to the process of making the compounds of 16 and 17 are also free of prior art.

The following is a statement of reasons for the indication of allowable subject matter: A patent search for compounds of formula (V) of claim 16 returns no hits. As to the process claims 18, the closest prior art is found in US 6515147 wherein compounds relating to structures (VI) and (VII) is disclosed; however there is no teaching in this prior art for the rearrangement of (VI) and (VII) to (II) though the similar process is shown in the previously cited Chatterjea et al. (see office action filed 03/05/2008, page 6).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAL S. CHANDRAKUMAR whose telephone number is (571)272-6202. The examiner can normally be reached on 8.30 AM - 4.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571 0272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nizal S. Chandrakumar

/D. Margaret Seaman/  
Primary Examiner, Art Unit 1625